

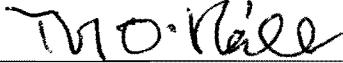
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DALE CORPORATION : CIVIL ACTION
: NO. 09-1115
v. :
: CUMBERLAND MUTUAL FIRE :
INSURANCE COMPANY :
:

ORDER

AND NOW, this 30th day of November, 2010, in consideration of defendant Cumberland Mutual Fire Insurance Company's motion for summary judgment, plaintiff Dale Corporation's response and the replies, sur replies and supplemental briefs of both parties, it is ORDERED that:

- 1) This court's June 30, 2010 order is VACATED;
- 2) Dale Corporation's motion seeking a declaration that it was an "additional insured" under the insurance policy (No. S203822-02) issued by Cumberland Mutual Fire Insurance Company to Nesmith & Company for the policy period of May 1, 2005 to May 1, 2006, is GRANTED;
- 3) In all other respects, Dale Corporation's motion for summary judgment is DENIED;
- 4) Cumberland Mutual Fire Insurance Company's motion seeking declarations that it had neither a duty to defend nor a duty to indemnify Dale Corporation in the underlying litigation is GRANTED;
- 5) JUDGMENT IS ENTERED in favor of Cumberland Mutual Fire Insurance Company and against Dale Corporation.


THOMAS N. O'NEILL, JR., J.